

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

ADOPTION

This rule has been amended in compliance with State Plan requirements under Title IV-E of the Social Security Act, as amended by Federal law. This revised rule includes provisions of Public Law (P.L.) 109-239, Safe and Timely Interstate Placement of Foster Care Children Act of 2006, which requires that in-State and out-of-State adoption resources must be considered and requires the safe and timely placement of children into permanent homes across State lines. This rule includes mandates of P.L. 109-248, Adam Walsh Child Protection and Safety Act of 2006, which requires criminal background checks for prospective foster and adoptive parents and child abuse and neglect registry checks for prospective foster and adoptive parents and adult members of their households. This rule also provides, in compliance with P.L. 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008, that siblings must be placed together unless it is contrary to the safety or well-being of any of the siblings and prospective adoptive parents must be informed about the adoption tax credit. Additionally, this rule reflects that RIGL 15-7-2.1 requires a pre-adoption report be submitted to prospective adoptive parents by DCYF or the licensed child placement agency that is placing a child for adoption. The previous version of this policy, refiled 1/5/07, is superseded by this amended version.

In the development of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3686 or RI Relay, dial 711). Interested persons should submit data, views or written comments by February 27, 2009 to Dorothy Hultine, Implementation Director for Policy & Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903.

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Children, Youth and Families does not discriminate on the basis of race, color, national origin or handicap in acceptance for or provision of services or employment in its programs or activities.

Patricia Martinez, Director

Adoption

Rhode Island Department of Children, Youth and Families

Policy: 700.0085

Effective Date: June 9, 1986

Revised Date: ~~February 7, 2005~~

Version: 32

Adoption is the preferred permanency option when it is not possible for a child to return to his or her family. The adoptive family provides the child with the same legal rights and protection as a birth family. The adoptive parent(s) permanently assumes all parental rights and responsibilities regarding the child. Significant federal laws have been enacted to guide our practice in the area of adoption.

The following federal laws apply:

- The Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) mandated state child welfare systems to implement permanency planning for children and youth in state care by preventing unnecessary placements, achieving reunification with birth families or seeking alternative permanent placements, such as adoption, within a reasonable time frame. This law required ~~case plans~~service plans and periodic court reviews to monitor progress towards permanency.
- ~~In 1997,~~ The Adoption and Safe Families Act (ASFA) (PL 105-89) of 1997 was enacted to balance the need to make reasonable efforts towards reunification for the child in foster care with the child's need for safety, permanency and well being. ASFA shortens the time frames for making permanent placements, defines situations when reunification efforts may not be required and provides financial incentives to states to increase the number of adoptions. In addition, ASFA creates a preference for placement of a child with a fit and willing relative and allows states to practice concurrent planning through the identification of a permanent placement option for the child if reunification efforts are not successful.
- ~~The~~ Multiethnic Placement Act of 1994 (PL 103-382) and the Interethnic Placement Provisions of 1996 (PL 104-188) were designed to remove barriers to permanency for children in the child welfare system and to ensure that adoption and foster care placements are not delayed or denied based on race, color or national origin. These acts require states to recruit foster and adoptive parents that reflect the racial and ethnic diversity of the children in the state who are awaiting foster and adoptive homes.
- ~~Additionally,~~ the Indian Child Welfare Act (ICWA) (PL 95-608) expresses a strong preference for the placement of Indian children with kin and/or members of the tribe.
- The Safe and Timely Interstate Placement of Foster Care Children Act of 2006 (PL 109-239) seeks to improve protections for children and holds states accountable for the safe and timely placement of children into safe permanent homes across state lines.
- The Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248) requires nationwide criminal background checks, including fingerprinting, for prospective foster and adoptive parents and requires child abuse and neglect registry checks for prospective foster and adoptive parents and adult members of their households.
- The Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) requires the State to make reasonable efforts to place siblings removed from their home in the same foster care, adoption or guardianship placement, or facilitate visitation or ongoing contacts with those that cannot be placed together, unless it is contrary to the safety or well-being of any of the siblings.

Rhode Island General Law (RIGL) Title 15, Chapter 7 provides the legal basis for the adoption of children and addresses the following:

- Circumstances under which adoption may take place (RIGL 15-7-2 through 10)

- [Pre-adoption report submitted by DCYF or the licensed child placement agency that is placing a child for adoption to the prospective adoptive parents as early as practicable after the filing of a termination of parental rights or direct consent adoption petition and before a prospective adoptive parent agrees to accept the child for purposes of adoption \(15-7-2.1\)](#)
- Home study report submitted to the court by DCYF or licensed child placement agency on proposed adoptive family (RIGL 15-7-11)
- Length of time that child must reside with proposed adoptive family prior to adoption (RIGL 15-7-12)
- Consideration of a preference for a specific religious faith (RIGL 15-7-13)
- Adoption decree (RIGL 15-7-14)
- Post-adoption privileges for biological parents in open adoptions (RIGL 15-7-14.1)
- Name change (RIGL 15-7-15)
- Adoption subsidy (RIGL 15-7-25)
- Rights of appeal (RIGL 15-7-19 through 21.1)
- [Passive Voluntary Adoption Mutual Consent Registry Act \(RIGL 15-7.2\)](#)

Permanency planning for a child begins at the time that a child enters out of home care. Decisions made early on in the placement process can have a long-term effect upon permanency and well being outcomes for a child. Siblings shall be placed together in foster care unless [it is contrary to the safety or well-being of any of the siblings to place them together, one or more of the children has a serious need that justifies separation.](#) The assessment process provides an opportunity for workers to search and evaluate the appropriateness of kinship providers as well as to determine if a concurrent resource is indicated. [In state and out of state adoption resources must be considered.](#) Birth parents are given the opportunity to discuss permanency options for their child and are provided with information and counseling referrals to assist them with adoption issues.

When adoption is the permanent goal for a child in care, it is imperative that Departmental staff work together toward accomplishing the goal in an organized and timely manner. The Family Service Unit (FSU) caseworker has the primary responsibility to facilitate the adoption process for a child awaiting a permanent family. The FSU caseworker must register the eligible child with the Adoption/Foster Care Training, Promotion & Support Unit. The clinical training specialist in the Adoption/Foster Care Training, Promotion & Support Unit is responsible for recruiting and training prospective adoptive parents, preparing the adoption licensing home study and registering the child with the contracted adoption resource exchange. The Unit also provides consultation, education and support to FSU staff and adoptive parents throughout the adoption process. The Adoption Services Unit staff person is responsible to review the adoption subsidy prior to adoption finalization and recertify the subsidy on an annual basis. In addition, the Adoption Services Unit provides consultation and referral services to adoptive families when issues arise after the finalization of the adoption.

The initial step in the adoption process occurs when the termination of parental rights (TPR) petition is filed in Family Court. At this time, the service plan goal for a child changes to adoption and the Department must document efforts to obtain a permanent resource. It is the intent of the Department to move toward adoption as expeditiously as possible while continuing to safeguard the rights and address the needs of all parties. Therefore, it is possible for a child to be placed with a permanent resource family after a TPR petition has been filed, even if the child is not legally free for adoption. A placement is considered to be "legal risk" when a child is placed with a permanent resource family before the termination of all existing parental rights. When this occurs, DCYF staff informs the resource family that, although petitions have been filed to terminate parental rights, there is a risk that the Court may not grant the TPR. To decrease the negative effect that multiple placements have upon a child's emotional development, consideration shall be given to a legal risk placement for a child [for whom a placement change is](#)

~~needed whose placement disrupts~~ during the TPR process. If an appeal is filed following the decision to terminate all parental rights, the child's placement is also considered as "legal risk".

When the parental rights of a child in foster care are terminated, the FSU caseworker must inform the foster parent(s) of the TPR and determine whether the foster family will be a permanent resource for the adoption of the child. For a child placed with a relative, the Department is obligated under RIGL 14-1-27 to give priority for permanent placement or adoption to the relative with whom the child is placed as long as it is in the best interests of the child.

RIGL 42-72-8 allows the Department to share confidential information from Departmental records for the purpose of effectuating the temporary or permanent placement of a child. This provision includes the right to share non identifying health care information about the child's family, which is contained within DCYF files, with prospective placement providers and resources. Caretakers have a right to receive personally identifiable health care information (PHI) about a child who is placed in their home as a matter of state and federal law. When a current foster home, kinship home or an adoptive home is identified as a potential permanent resource for a child, the FSU worker is expected to provide a full presentation of the child to the permanent resource family. The presentation process provides an opportunity for the Department to share with the prospective adoptive family a report containing relevant information about the child that is reasonably available regarding medical, psychological, educational or other services that have been provided to the child. Relevant non-identifying information concerning the medical, psychological and social history of the child's birth parents and siblings must also be shared.

Preparation of a child for adoption is essential to ensure a successful adoption experience. Ongoing counseling for a child that will focus on adoption issues, including preparation for adoption as a permanency option as well as for a specific prospective adoptive family, is recommended for all children who are age appropriate. Depending upon the child's age and developmental level, the child is given the opportunity to express a choice about adoption planning. A schedule of pre-placement visitation will be established that will allow the child and the prospective adoptive family an opportunity to get to know each other prior to placement. During the pre-placement and initial placement phases of the adoption process, the FSU caseworker must maintain consistent and meaningful contact with the child and the prospective adoptive family to assess the child's and family's adjustment and to address any issues of concern. The adoptive family may require ongoing support to assist with the child's adjustment to the adoptive home, to understand changes to the family system and to encourage the development of emotional ties between the adoptive family and the child. There are occasions when an adoptive placement disrupts at some point in the process; however, adequate preparation of the child and the adoptive family, the provision of appropriate services and open and positive communication among all parties, including the professionals working with the child and family, increase the likelihood of satisfactory adoption outcomes.

Prospective adoptive parent(s) may file an adoption petition after all parental rights have been terminated and the child has resided in the home for six (6) months. In the event that a child is not placed in a permanent resource within thirty (30) days from the date of the final TPR decree, RIGL15-7-7 requires the Family Court to review the status of the child. The Department must inform the Court of its efforts to recruit an adoptive resource for the child. Post-adoption privileges may be granted by the Family Court in accordance with RIGL 15-7-14.1 under certain circumstances when the birth parent(s) and child have a significant emotional attachment and it is considered to be in the best interest of the child to maintain some contact with the birth parent(s).

Related Procedures

[Preparation for Adoption](#)

Adoption Placement
Post-Placement and Legal Finalization of Adoption

Preparation for Adoption

Procedure from Policy 700.0085: Adoption

- A. First steps in the adoption process
 - 1. Upon the filing of a Termination of Parental Rights (TPR) petition in Family Court, the Family Services Unit (FSU) worker is responsible to register all children with the Adoption and Foster Care Preparation and Support Unit.
 - 2. The FSU worker completes the DCYF #054, Adoption Profile Registration Form and forwards it to the Chief Casework Supervisor in the Adoption and Foster Care Preparation and Support Unit.
 - 3. The Adoption and Foster Care Preparation and Support Unit will forward the child's registration to the contracted adoption exchange agency, if an adoptive resource is needed, and will notify FSU worker and supervisor when this is completed.
 - 4. A clinical training specialist in the Adoption and Foster Care Preparation and Support Unit will meet with FSU staff for case consultation as needed.
 - a. This unit will assist FSU in convening a consultative team comprised of representatives from the Adoption and Foster Care Promotion and Support Unit, treatment providers working with the child and community providers with adoption expertise.
 - b. This team may assist FSU workers and supervisors with adoption issues, such as, selection of a pre-adoptive family, pre-placement visitation, placement, open adoption arrangements and disruption.
 - 5. If planning for a child includes adoption by the child's current foster or kinship provider, the worker follows steps in Section D below. If a child is in need of an adoptive home, the worker follows steps in Section G below.
- B. Establishment of a new case record following TPR
 - 1. Each child shall have a new case record (both hard copy and in RICHIST) established when the parental rights of both parents have been terminated.
 - 2. This record includes the following:
 - a. Current and complete ongoing case activity notes beginning from the date that the TPR was granted
 - b. Service plan reflecting the goal of adoption developed with the caretaker and child, if of appropriate age
 - c. Medical Consent Authorization (DCYF #003) signed by the regional director and Authorization for Routine and Emergency Medical Treatment (DCYF #004) signed by worker and supervisor
 - d. Copy of child's birth certificate
 - e. Complete medical history of child, including any available reports
 - f. Copies of any evaluations or counseling reports specific to the child
 - g. Copy of TPR petitions terminating all parental rights with written disposition by Justice of the Family Court
 - h. Complete adoption registration
 - i. Photographs of child at various ages if available
 - j. Photographs of biological parents and siblings if available
 - k. Photographs of foster parents if available and willing
- C. Responsibilities of the foster care and adoption preparation and support specialist
 - 1. Recruitment and screening of adoptive families
 - 2. Preparation of foster and adoptive families

3. Completion of adoption home study and recommendation
 4. Adoption consultation
- D. Guidelines for adoption by foster or kinship care provider
1. Permanency planning begins at the time a case opens to the Department. If a family assessment indicates that the family meets the criteria for concurrent planning, a concurrent resource should be utilized for placement, if possible (refer to [Policy 700.0215, Concurrent Planning](#)).
 2. Permanency options for a child and the intentions of the foster/kinship care provider are discussed early in the placement process and continue throughout the child's placement with the family. This discussion is not left until the time that a TPR is filed.
 3. Discussions with the foster/kinship care provider regarding a child's potential eligibility for an adoption subsidy must begin early in the permanency process.
 4. When foster/kinship care provider has been indecisive regarding adopting the child, the FSU worker, after consultation with his or her supervisor, may request a meeting with an adoption consultation team comprised of staff from the Foster Care and Adoption Preparation and Support Unit as well as other professionals involved in the child's life. The purpose of this meeting is to offer information and assistance to FSU staff on the adoption issues involved in the specific case. FSU may also request that a member of the team meet with the foster parents to assist them with their adoption decision. If the foster parents decide not to adopt, the Department will initiate the search for an adoptive family.
 5. Foster parents are required to attend training on adoption issues prior to finalization of the adoption. Worker contacts the Foster Care and Adoption Preparation and Support Unit to arrange training for foster parents who have not yet participated in training relating to adoption issues.
 6. A home study for a foster/kinship caretaker who adopts must follow same guidelines as adoptive home study (refer to Section E below, Home study).
 7. The FSU worker must arrange a full presentation of the child for foster/kinship caretakers before the adoption, preferably as soon as possible after the filing of the TPR petition (refer to Section I below, Presentation to prospective adoptive family).
 8. The FSU worker must also provide foster parents with a Pre-Adoption Report prior to finalization of adoption (refer to Section J below, Disclosure of Information). A signed copy of the report is included in the hard copy record.
 9. If child is receiving special education services and foster/kinship caretaker is not the child's educational/surrogate parent, the FSU worker encourages caretaker to participate in educational surrogate parent training prior to finalization of adoption.
 10. The FSU worker engages in early and ongoing discussions regarding openness in adoption and the type of contact (e.g., photographs only, letters, visits), if any, with birth family that would be acceptable to all involved parties and would be in the best interest of the child.
 11. When a child is placed with a concurrent planning resource family, it is essential that ongoing communication occurs between the worker and the family regarding permanency planning for the child. When a child placed with a concurrent planning resource family is legally free for adoption, the FSU worker will follow the same process as for foster parents who adopt a child.
- E. Adoption Home Study
1. RIGL 15-7-11 establishes the requirements for the adoption home study report that must be submitted to the Family Court by DCYF or the licensed child placement agency relative to the suitability of the proposed adoptive family.

2. The Family Court adoption home study report is completed by the assigned FSU worker and submitted to the Court in compliance with the provisions of RIGL 15-7-11 (refer to Procedure, [Post Placement and Legal Finalization of Adoption](#), Section B. Legal Process).
 - a. The DCYF #053, Foster Care/Adoption Licensing Home Study, completed by the DCYF Clinical Training Specialist or Licensing worker or the home study completed by the private agency clinician provides the basis of the Family Court adoption home study report.
 - i. If the original home study was not completed on the DCYF #053, the Licensing worker is responsible to complete the DCYF #053 upon re-licensing the home. Licensing worker must ensure that all aspects of the current home study process are completed.
 - ii. If the original home study was not completed on the DCYF #053, the Licensing worker is responsible to complete the DCYF #053 prior to re-licensing if the foster parents are planning to adopt a foster child in the interim. Licensing worker must ensure that all aspects of the current home study process are completed. The FSU worker is responsible to assist in this process by ensuring that the family self assessment has been completed and the contact information for personal references has been provided to the Licensing worker.
 - b. While most of the required information for the Family Court report is contained in the DCYF #053, the worker submitting the adoption home study report to the Court must address and include in the report any required information that is not included in the DCYF #053.
 - c. Worker submitting the adoption home study report to the Court must ensure that all of the information provided is complete and current. Any required information that is not included in the DCYF #053 is provided to the Court in the DCYF #053A, Adoption Home Study - Family Information Update to the Family Court. Also included in the DCYF #053A are:
 - i. Results of updated [statewide BCI Bureau of Criminal Investigation](#) and DCYF clearances completed within the last six months.
 - ii. Information regarding the relationship between the adoptive parents and the child, specifically, the match between the prospective adoptive parent(s) and the child, including attitudes and capabilities of prospective adoptive parent(s) and the child's characteristics and background.
3. The adoption home study investigation, in accordance with RIGL 15-7-11, must include:
 - a. At least two (2) home visits by the individual responsible for completing the home study. All household members must be interviewed during the home study process by the DCYF Clinical Training Specialist or Licensing worker who completes the DCYF #053, Foster Care/Adoption Licensing Home Study or the private agency clinician who completes the private agency home study.
 - b. At least one (1) home visit must take place subsequent to the completion of the home study. In the case of a DCYF adoption, this visit is conducted by the FSU worker who is preparing the Adoption Home Study Report for the Family Court.
4. The home study report submitted to the Court must include a summary of the agency's past and present contact with the adoptive family as well as the following information:
 - a. Results of criminal and Department clearances

- i. Statewide and nationwide (fingerprinting) criminal records checks must be completed for each prospective adoptive parent and anyone in the household who is age eighteen (18) or over (refer to [Policy 900.0040, Criminal Records Checks](#), for listing of disqualifying information).
- ii. A DCYF clearance check for each prospective adoptive parent and all household members [including the results of other State child abuse and neglect registry in which any such prospective parent or other adult household member has resided in the preceding five \(5\) years](#) must be completed (refer to Policy 700.0105, [Clearance of Agency Activity](#)).
- b. Identifying information on all household members, including minor children and the current needs of each child
- c. Information regarding the prospective adoptive parent's motivation and reasons for the adoption
- d. Current background information on the prospective adoptive parent(s), including a written self-assessment (attached)
- e. Child care experience and parenting philosophy of the prospective adoptive parent(s)
- f. Information regarding past and present marriage and/or partnership relationships
- g. Current medical and psychological conditions, including any addiction to drugs or alcohol of any prospective adoptive parent(s) that may be seriously detrimental to the health and welfare of children
- h. Description of home and local community, including any health and safety concerns regarding the home
- i. Information regarding the finances and employment of the prospective adoptive parent(s)
- j. Reference letters from at least three (3) individuals, two (2) of whom are non-relatives (attached)
- k. Information regarding the prospective adoptive parent(s)' willingness and ability to accept and cooperate with adoption support services including their level of understanding regarding openness with the birth family
- l. Information related to the match between the prospective adoptive parent(s) and the child, including attitudes and capabilities of prospective adoptive parent(s) and the child's characteristics and background
- m. Recommendation regarding the suitability of the prospective adoptive parent(s) for adoption

[F. Legal risk placements](#)

- [1. A placement is considered as a legal risk placement when:

 - \[a. Termination of parental rights \\(TPR\\) petition has been filed in Family Court but the child is not yet legally free for adoption because the TPR decision is pending in regard to one or both parents.\]\(#\)
 - \[b. TPR has been granted but one of the biological parents has filed an appeal of the TPR decision.\]\(#\)](#)
- [2. Consideration will be given to a legal risk placement when a child with a permanency goal of adoption must change placements before being legally free for adoption.](#)
- [3. Placement can be made with a provider who is licensed by the Department as a foster home or adoptive home or approved through the Interstate Compact on the Placement of Children \(ICPC\).](#)
- [4. To request a legal risk placement for a child, the FSU worker must complete the request for a Legal Risk Approval \(DCYF #191\). Before moving a child to a legal](#)

~~risk placement, approval to proceed with a legal risk placement must be given by the supervisor, regional director and chief casework supervisor of the Adoption & Foster Care Preparation and Support Unit.~~

~~5. Once the approval process is complete, a copy of the adoption registration form will be sent to the contracted adoption exchange agency.~~

~~6. Once approval is granted, the process will follow as in Sections G-J below.~~

G.F. Selection of an adoptive family for a child with no identified adoption resource

1. The selection process is based upon an assessment of the child and his or her needs. A family who can best meet the child's needs is selected as the prospective adoptive resource for the child. Child's involvement in the adoption process is based upon child's age and developmental level.
2. The contracted adoption exchange agency sends potential home studies to FSU worker/supervisor to review.
3. FSU worker and supervisor review potential home studies and select most appropriate match.
4. FSU may consult with the contracted adoption exchange agency, the Adoption and Foster Care Promotion and Support Unit or convene a consultation team to assist in the review and selection of a potential adoptive family for a child (refer to Section A, 4 above).
5. In most cases, the FSU worker identifies one family as the most appropriate potential adoptive match for the child and schedules a formal presentation with that family. In the event the FSU worker believes that in order to make the most appropriate match possible, he or she must meet with more than one family, the FSU worker, in consultation with his or her supervisor, informs the Chief Casework Supervisor of the Adoption & Foster Care Preparation & Support Unit.
 - a. The Chief Casework Supervisor will facilitate the home visits between the FSU worker and the families involved.
 - b. These meetings can only occur when the families have been fully informed of the preliminary nature of the meeting, and have a clear understanding that more than one family is being considered by the worker.
 - c. The informal meeting will not take the place of a formal presentation. A formal presentation will be scheduled when one family has been identified as the most appropriate match.
6. After a decision is made regarding a specific adoptive family, FSU worker contacts the clinical training specialist who completed the home study or the contracted adoption exchange agency for a family from an outside agency. The contracted adoption exchange agency will then contact the person who completed the home study.
7. The worker who completed the home study and/or the contracted adoption exchange agency is responsible for contacting the potential adoptive family resource with a brief sketch of the child to determine if the family is interested in pursuing a full presentation of the child.
8. If the family is interested, the FSU worker must prepare a full presentation of the child.
9. When no potential home studies are available to match the child's needs, the FSU worker and the contracted adoption exchange agency will develop a recruitment plan to meet the individual child's needs.
 - a. The plan may include media, web and other recruitment strategies.
 - b. The contracted adoption exchange agency may request photographs and additional information.
 - c. Recruitment efforts should include the use of [in-state](#) [and out-of-state options](#), regional and national adoption exchanges, including the use of the Internet when available and appropriate.

H.G. Sibling placements

1. The Department must make reasonable efforts to place siblings, who were removed from their home, in the same placement of siblings together in foster care, ~~and adoption or guardianship placement is recommended~~ unless it is contrary to the safety or well-being of any of the siblings to place them together, the serious specific needs of one or more child justify separation.
2. If siblings are separated at the time of initial placement in out of home care, ongoing consideration must be given to placement together. If ~~not an option initially due to a lack of an appropriate home willing to take siblings or if a child's~~ the needs of one of the siblings required separate placements initially, the situation must be is continuously assessed and, if possible, siblings moved into same foster home as soon as possible.
3. When siblings placed separately in foster care are free for adoption, a serious choice will need to be made whether to place the children together or keep in separate homes where they have formed attachments. This decision must be made on an individual basis. Consultation with involved therapists and other parties is recommended as part of the decision making process.
4. Siblings placed separately have an ongoing need for regular contact and a plan to facilitate ongoing contact shall be established. If siblings cannot be placed together because it is contrary to the safety or well-being of any of the siblings, the Department must make reasonable efforts to facilitate visitation or ongoing contacts with siblings that cannot be placed together.
5. When siblings are to be placed together in an adoptive home, it is recommended the children be placed in the home at the same time.

I.H. Presentation to prospective adoptive family

1. Participants in the presentation process may include the FSU worker and/or supervisor, the individual who completed the home study (adoption worker or clinical training specialist), a staff person from the contracted adoption exchange agency and others whom the family request to be there. The child is not present at the presentation.
2. The location of the presentation is usually in the potential adoptive family's home, but it may be in any setting comfortable for them and at a time that is convenient for them.
3. Presentation process
 - a. FSU worker comes to presentation with specific information regarding child. Written documentation (refer to Section J below, Pre-Adoption Report - Disclosure of Information) is shared with the prospective adoptive family.
 - b. FSU worker and the adoption worker or clinical training specialist will fully explain presentation process to the potential adoptive family, including next steps in the process and time frames.
 - c. Information is provided regarding the child's eligibility for adoption subsidy, if appropriate, and other child and family adoption support resources.
 - d. Adoption worker or clinical training specialist will provide the prospective family with support and guidance regarding the information presented, written documentation provided and the adoption process.
 - e. All reasonably available relevant information related to the child must be shared with the family, including written reports about the child and non-identifying information regarding the biological family. The prospective adoptive family is required to sign the disclosure of information form acknowledging receipt of information.
4. Following the presentation process, adoption worker will contact potential adoptive family regarding presentation and to determine if the family is interested

in moving forward with the process. This will occur within five (5) days following presentation.

5. Adoption worker or clinical training specialist will notify FSU worker and/or supervisor of potential adoptive family's decision.
6. If family wishes to proceed and FSU worker and supervisor agree, family is encouraged to contact the individuals listed on the Collateral Contacts Checklist in the DCYF #054A. FSU worker will contact the individuals beforehand to advise them that the prospective pre-adoptive family may be in contact. Worker lists only collateral contacts who have agreed to speak with the prospective pre-adoptive parent(s).
7. FSU worker/supervisor and adoption worker/clinical training specialist participate in meetings scheduled by potential adoptive family with those listed on Collateral Contacts sheet.
8. The time frame for completing the collateral contacts will vary depending upon the availability of providers to meet with potential adoptive family. Ongoing communication between all parties is essential during this process.
9. Occasionally, the FSU worker and/or supervisor may have reservations following the presentation about the suitability of the match between a particular family and a child. If the FSU worker has reservations regarding the match and does not want to move forward in the adoption process with the prospective family, the following steps are taken.
 - a. FSU worker discusses concerns with supervisor regarding the appropriateness of the match between the adoptive family and the child.
 - b. If the supervisor agrees with the FSU worker's assessment, either the supervisor or worker contacts adoption worker/clinical training specialist within five (5) days following the presentation to outline concerns regarding the match between the child and the prospective adoptive family.
 - c. Through discussion between FSU worker/supervisor and the adoption worker/clinical training specialist, a decision will be made regarding whether or not the concerns are justified and if the process will be terminated at this point.
 - d. If FSU decides not to move forward with this match, the adoption worker/clinical training specialist will make initial call to family to advise them of decision.
 - e. FSU worker or supervisor will follow up with a phone call and written notification informing the family of decision not to move forward in the adoption process for child who was presented to the family.
 - f. FSU worker or adoption worker will ensure that family returns any written information regarding the child that was shared during the presentation process.

4.I. Pre-Adoption Report - Disclosure of Information

1. As early as practical, after the filing of a Termination of Parental Rights (TPR) petition or direct consent adoption and before a prospective adoptive parent agrees to accept a child for adoption (usually during the presentation process), the FSU worker presents the prospective adoptive parents a written pre-adoption report containing a summary of the following information that is available within the records of the Department. This report consists of the DCYF #054, Adoption Profile Registration Form and the DCYF #054A, Adoption Profile Disclosure of Information Form and may include attached reports.
 - a. A current medical, dental, developmental and psychological history of the child, including an account of the child's prenatal care, medical condition at birth, developmental milestones; any medical, psychological or psychiatric examination and diagnosis related to the child; any physical, sexual or emotional abuse or neglect suffered by the child; any

- developmental assessment and a record of any immunizations received while the child was in foster or other care; the child's enrollment and performance in school and any special educational needs and any adjudications of waywardness and/or delinquency;
- b. If the child has undergone any genetic testing, and the agency is aware of the results, those results must be disclosed in writing to the prospective adoptive parent(s);
 - c. If the child has been tested for HIV, and the agency is aware of the results, those results must be disclosed in writing to the prospective adoptive parent(s);
 - d. The age, race, religion, ethnicity and general physical appearance of biological parents;
 - e. The educational levels of biological parents and any known diagnosed learning disabilities of biological parents and any siblings;
 - f. The relationship between biological parents; the age and sex of any other children born to the biological parents and if a parent is deceased, the cause of and the age at death;
 - g. Non-identifying medical, substance abuse and mental health histories of the biological parents and siblings of the child, including any information relating to drugs and medications taken by the child's biological mother during pregnancy, [any known allergies, hereditary, genetic or metabolic diseases](#);
 - h. The Department's expectations, relative to the nature and extent of continuing contact between the child, biological parents, siblings and/or other relatives of the child;
 - i. The length of time the child has been in the care of the agency and the child's placement history;
 - j. Child's potential eligibility for state or federal benefits, including adoption subsidy [and adoption tax credit](#);
 - k. A listing of Collateral Contacts that provides information on how to contact providers for the child;
 - l. Any other information that the Family Court considers necessary and appropriate to serve the child's best interests.
2. The report provided to the prospective adoptive parent must be signed and dated by the FSU worker who prepared the information and by the prospective adoptive parent(s) who is receiving the information. A copy of the report with the prospective adoptive parent(s)' signature is included in the hard copy record. Unless confidentiality has been waived, no information shall disclose the name or last known address of the biological relatives. Any report regarding the child may disclose the identity of providers of professional services to the child.
 3. The prospective adoptive parent(s) must be advised that the documents are not to be copied and must agree that the information provided shall not be re-disclosed without the specific consent of the legal guardian and shall be returned to the Department representative who signed and dated the report if the prospective adoptive parent(s) decides not to adopt the child.
 4. If information listed above was not available at the time the pre-adoption report was provided to the prospective adoptive parent(s) but becomes available prior to the adoption proceeding, the assigned FSU worker provides the prospective adoptive parent(s) a supplemental written report containing the required information that is signed and dated by the FSU worker and the prospective adoptive parent(s). A signed copy is kept in the hard copy file.
 5. The court may request that a parent in a TPR proceeding provide the required information.
 6. The above procedures do not prohibit the voluntary exchange of identifying information between mutually consenting biological parents and adoptive parents.

Adoption Placement

Procedure from Policy 700.0085: Adoption

- A. Preparation of child for adoption
 - 1. The FSU worker is responsible to arrange adoption preparation counseling for any child in out of home placement who is of appropriate age by the time of the permanency hearing, or prior to this time when possible. Counseling must address and provide the following:
 - a. Understanding of reasons for placement in out of home care
 - b. Grief and loss counseling
 - c. Adoption preparation, including the development of a life book
 - d. Sharing of Information about a potential adoptive family through techniques like reviewing a family's welcome book
 - e. A plan for pre-placement visitation and moving in with an adoptive family
 - f. Competent support and counseling for child for possible grief reactions and sufficient time for expressing feelings and opinions regarding adoption
 - g. Ongoing support for child after moving in with adoptive family
 - 2. The involvement of the child in planning for adoption is recommended. The FSU worker is expected to provide the child with the opportunity to express choices consistent with age and developmental level.
- B. Pre-placement visitation
 - 1. FSU worker ensures that child is presented with specific information about adoptive family being considered, including the sharing of a family's welcome book, if available, before initial visit with potential adoptive family. This presentation occurs preferably in a therapeutic environment.
 - 2. FSU worker arranges and is present during a brief initial introduction of the child to the adoptive family in a child-oriented environment.
 - 3. The number, location and duration of pre-placement visits and timing of placement are determined by child's age and particular needs of child and adoptive family. A team approach to the establishment of the visitation plan that involves the therapist, current placement providers, adoptive family and other involved parties, such as, CASA, is recommended.
 - 4. Pre-placement visitation
 - a. FSU worker develops a visitation schedule with the potential adoptive family and the child's current caretakers. The visitation schedule is shared with all parties.
 - b. In most situations, child has input and participates in the development of visitation schedule.
 - c. If it is not practical to involve child in the establishment of a visitation schedule, the child is informed of the visitation plan.
 - d. Visitation is a critical component of a successful permanency plan and should be supported by all parties. It is expected that a child may experience behavioral and emotional adjustments during the pre-placement visitation stage; however, it is not appropriate to withhold visitation or have it integrated into a behavior management plan for the benefit of the current placement.
 - e. Assessment of the visitation by all involved parties, including the child's therapist, is ongoing during the transition process. A decision to modify the visitation schedule is made in collaboration with the adoptive family, the child's therapist, the current placement provider and the child, if appropriate.

5. FSU worker encourages current caretakers to assist with transition process because they possess valuable information regarding the child. The worker is expected to assist the current caretakers and the child to deal with feelings of separation that may occur during this transition.
 6. The worker is responsible to transition the child to the adoptive home on a schedule that meets the needs of the individual child.
- C. Services to the child and family in adoptive placement
1. Service plan is updated in collaboration with the child, the adoptive family and providers to address services needed to maintain and strengthen the placement. Adoptive parent(s) and child if of appropriate age are asked to sign the service plan.
 2. FSU worker maintains, at a minimum, monthly visits with family (refer to Policy 700.0165, [Family Services Worker/Client Contact](#)). FSU worker in consultation with supervisor determines if more frequent home visits to the child and adoptive family are indicated in the early stages of the adoptive placement. Ongoing and frequent phone contact is essential.
 3. FSU worker provides adoptive parents with information about adoption support services, including information regarding appropriate crisis resources.
 4. Worker submits for signature to the adoptive parent(s) the DCYF #065, Adoption Placement Agreement, indicating family's commitment to provide permanent placement for child. Child signs if of appropriate age.
 5. All necessary medical forms, including the DCYF #004 must be provided.
 6. FSU worker assists family with school placement issues, including transfer of school records, educational advocacy. If child receives special education services, FSU worker encourages adoptive parent(s) to become educational surrogate parent for child.
 7. FSU worker informs adoptive parent(s) to arrange for a medical exam for child if the child did not have such an exam prior to placement.
 8. FSU worker maintains ongoing discussion with pre-adoptive family regarding child's eligibility for adoption subsidy and related issues.
 9. FSU worker is responsible to engage in ongoing discussions with prospective adoptive family regarding openness in adoption. The FSU worker informs the adoptive family of a range of options available in open adoptions with the understanding that safety and well-being are the paramount considerations that must be balanced with the child's need to maintain connections with birth family and culture (refer to Procedure, [Post Placement and Legal Finalization of Adoption](#), Section C - Open Adoption Privileges).
- D. Adoption disruption refers to the unplanned termination of an adoptive placement prior to the legalization of the adoption.
1. Steps to minimize the possibility of adoption disruption include the following:
 - a. Adequate preparation of child and family for adoption is one of the best ways to minimize chances for disruption,
 - b. Regular phone contact and home visits by the worker to the child and family during placement process is crucial,
 - c. Ensuring the availability and provision of appropriate services for child and family are essential to adoption stabilization,
 2. Certain circumstances may develop in a pre-adoptive home that might lead to a mutual reassessment of whether or not to continue with the placement (e.g. death of one of the spouses). A mutual decision to end adoption placement is preferred, if possible, unless abuse or neglect situation presents immediate risk to child. In most cases, child remains with family until another plan is developed.

3. Services are offered to child, adoptive family and possibly worker to process feelings regarding disruption and what next steps should be. Diligent efforts are made to secure new placement for child, if appropriate.
 4. Following a disruption in an adoption placement, a formal or informal assessment will occur to examine the causes for the disruption. Some common reasons for disruptions include:
 - a. There was a mismatch between the child and family
 - b. The child or parents were not ready for the adoption experience
 - c. The adoptive parent(s) lacks the capacity to be adoptive parent(s) to any child
 - d. The child is unable to function in an adoptive family at this time
 5. Adoptive home assessment is updated including modifying matching criteria and establishing a timeline for potential placement. A recommendation is made regarding continued approval of the adoptive home.
- E. Adoption dissolution refers to the ending of an adoption following legalization. If a family reopens to the Department due to an adoption that has been dissolved, it is recommended that a meeting be convened with all pertinent parties to examine the causes for the dissolution (refer to Section D, relating to adoption disruption, above).

Post-Placement and Legal Finalization of Adoption

Procedure from Policy 700.0085: Adoption

- A. Supplemental Report - Disclosure of Information
 - 1. Adoptive parent(s) is provided with a supplemental written report containing any information, listed in the above Procedure, Preparation for Adoption, Section J, Pre-Adoption Report - Disclosure of Information that was unavailable before the child was placed for adoption but becomes reasonably available after the placement. A copy of the supplemental report with the prospective adoptive parent(s)' signature is included in the hard copy record. Unless confidentiality has been waived, no information shall disclose the name or last known address of the biological relatives. Any report regarding the child may disclose the identity of providers of professional services to the child.
 - 2. Any information listed in the above Procedure, Preparation for Adoption, Section J, Pre-Adoption Report - Disclosure of Information that is provided to the adoptive parent may also be provided to an adoptee who is eighteen (18) years of age or over.
- B. Legal Process
 - 1. In the event that a child is not placed in a permanent resource within thirty (30) days from the date of the final TPR decree, RIGL15-7-7 requires the Family Court to review the status of the child.
 - a. The Department must file a report with the Family Court documenting efforts made to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or another planned permanent living arrangement.
 - b. Recruitment efforts should include the use of state, regional and national adoption exchanges, including the use of the Internet when available and appropriate.
 - 2. The Family Court may grant an adoption petition after the child has resided in the home of the petitioner(s) for a period of at least six (6) months:
 - a. The adoptive parent(s) may file after all parental rights have been terminated. Adoptive parent(s) is expected to file within sixty (60) days after all parental rights have been terminated or in a planned direct consent adoption.
 - b. If the child has not resided in the home for six (6) months, the adoptive parent(s) may not file a petition to adopt until the child has been in the home for six (6) months. The adoptive parent(s) is expected to file a petition to adopt within sixty (60) days after the six-month (6) period of residence.
 - c. In the event the adoptive parent(s) is not ready to file the adoption petition within the sixty days, the FSU worker is responsible to organize a meeting with all involved parties, including the supervisor, clinical training specialist, child's therapist, adoptive parent(s) and child, if appropriate, to identify issues and barriers to the finalization of the adoption. A reasonable time frame is developed that allows sufficient time for issues/barriers to be addressed but also considers the child's need for timely permanency.
 - d. If a time frame for finalization of the adoption cannot be agreed upon at the meeting, the matter is brought to the attention of the Regional Director for review and final determination.

- e. Any exception to the six-month (6) residency requirement can be allowed only by the Regional Director. Final approval to waive the six-month (6) residency requirement must be granted by the Family Court.
 3. Worker informs adopting parent(s) that it is advisable to secure private legal counsel.
 4. Attorney for adopting parent(s) is responsible to complete the following:
 - a. Prepare adoption petition and return it to worker for signature by Regional Director;
 - b. Obtain documentation required by Family Court, e.g. marriage, death or divorce certificates, if applicable;
 - c. Complete any necessary adoption court documents that must be filed with the petition.
 5. A request for adoption subsidy must be completed as early as possible in the process and must be approved before the finalization of the adoption or the family will not be able to obtain subsidy (refer to Policy 700.0090, [Adoption Subsidy](#)).
 6. Upon the filing of an adoption petition, a report must be submitted to the Family Court by the Department within sixty (60) days regarding the suitability of the proposed adoptive home for the minor child. The Family Court adoption home study report must contain all the information outlined in Procedure: [Preparation for Adoption](#), Section E – Adoption Home Study.
 7. Supervisor reviews the material and submits a cover memo either supporting or opposing the petition.
 8. Supervisor submits the cover memo, Adoption Petition, Pre-Adoption Report (DCYF #054, Adoption Profile Registration Form and the DCYF #054A, Adoption Profile Disclosure of Information Form and any attached reports), signed by both the worker and the adoptive parent(s), and a copy of the Family Court adoption home study report (DCYF #053, DCYF Foster Care/Adoption Home Study and DCYF #053A, Family Court Adoption Home Study Report) to the Regional Director or designee.
 9. Regional Director or designee approves or denies the decision to proceed with petition:
 - a. If Regional Director approves the petition, the material is returned to the supervisor and subsequently to the worker. Worker is responsible to return the petition to the attorney of the adopting parent(s) for processing.
 - b. If Regional Director does not sign the petition, a conference is scheduled with worker and supervisor within five (5) working days to reevaluate the situation. If the decision is made by Regional Director or designee not to consent to the petition, the worker shall notify in writing the petitioner(s) and his/her (their) attorney of the basis for this action and of the Department's complaints and hearings procedure.
 10. The worker files the Family Court adoption home study report with the Family Court and the attorney for the adopting parent(s) files the approved petition and documentation in Family Court.
 - a. Family Court schedules a hearing date.
 - b. Worker creates an adoption case in RICHIST after adoption finalization.
 - c. After adoption finalization, worker requests that the adopting parent(s) or the attorney send a copy of the adoption decree to the worker.
- C. Open Adoption Privileges
1. The Court may grant post adoption visitation, contact, and/or conveyance of information privileges to a birth parent who:
 - a. Has consented to an adoption or voluntarily terminated the parent-child relationship, or

- b. Has had his or her parental rights involuntarily terminated and has properly filed a timely appeal which is pending and the child was not in a pre-adoptive home prior to the granting of the TPR petition by the Family Court.
 2. A Post Adoption Privileges Agreement may be granted:
 - a. If the court determines it is in the best interest of the child being adopted, and
 - b. Family Court finds there is a significant emotional attachment between the child and the birth parent.
 3. The degree of openness in the adoption is determined by mutual agreement based on a thoughtful, informed decision making process by the birth parent(s), the adoptive parent(s) and the child, when appropriate. The nature, extent of openness and the content of the agreement is negotiated between the birth parent(s) and adoptive parent(s) of the child who is being adopted. When a Post Adoption Privileges Agreement exists, it is the responsibility of all parties involved to make it a workable agreement that continues to be in the best interest of the child as he/she grows older.
 4. Approval for the Post Adoption Privileges Agreement must be obtained from the following:
 - a. Department or the licensed child placing agency sponsoring the child, and the child's court appointed special advocate or the guardian ad litem
 - b. Child, if over age twelve (12)
 - c. Family Court
 5. A Post Adoption Privileges Agreement is not completed only as a means to avoid a court termination of parental rights. Relinquishments must be voluntary and unconditional. At no time is a voluntary relinquishment "conditional" upon the willingness of an adoptive family to enter into a Post Adoption Privileges Agreement. Relinquishment and termination of parental rights are separate processes from adoption. Relinquishment and termination of parental rights resolve the child's legal status. Adoption builds a new family for a child and the post adoptive relationship between birth and adoptive families.
 6. The post-adoption privileges agreement must contain the following provisions:
 - a. An acknowledgement by the birth parents that the adoption is irrevocable, even if the adoptive parents do not abide by the Post Adoption Privileges Agreement.
 - b. An acknowledgement by the adoptive parents that the agreement grants the birth parents the right to seek to enforce the post-adoptive privileges set forth in the agreement.
 7. Modifications to the post-adoption privileges agreement may be sought in particular circumstances by either the adoptive parents or the birth parents.
- D. Post Adoption Services
 1. All adoptive families are able to contact the Adoption Services Unit for assistance with referrals for services in the community. Adoptive families eligible for subsidy may contact the Adoption Services Unit for questions related to the adoption subsidy (refer to Policy 700.0090, [Adoption Subsidy](#)).
 2. Availability of resources for adoptive family post adoption
 - a. Counseling services
 - b. Educational advocacy – Adoptive families are provided with detailed information regarding educational advocacy and given the opportunity to participate in educational/surrogate parent training prior to finalization of the adoption.
 3. An adoptee who is eighteen (18) years of age or over who provides a written request to the Department's Adoption Services Unit may be provided with any information listed in the above Procedure, [Preparation for Adoption](#), Section J,

Pre-Adoption Report - Disclosure of Information that is provided to the adoptive parent.

4. [Other information relating to adoption records must be obtained from the Family Court in accordance with RIGL 15-7.2, Passive Voluntary Adoption Mutual Consent Registry Act.](#)

E. Establishment of adoption record following finalization of the adoption

1. After an adoption has been finalized, an adoption case is created in RICHIST that will be in the adoptive parent(s)' name. The child will be given a new person ID.
2. Post adoption finalization, a hard copy record is also created in the adoptive parent(s) name if a case record does not already exist in the name of the adoptive parent(s).
3. If there is an existing case record in the name of the adoptive parent(s), the worker should request the record from the Record Center and incorporate the child's adoption record into the existing case record.
4. The adoption record should incorporate the information from the TPR record (refer to Procedure, [Preparation for Adoption](#), Section B) including:
 - a. A new face sheet/intake summary.
 - b. Case activity notes beginning from the date that the parental rights of both parents were terminated. There should be no identifiable references to the biological parents.
 - c. Service plans created after the granting of the TPR.
 - d. The Pre-Adoption Report, which consists of the DCYF #054, Adoption Profile Registration Form and the DCYF #054A, Adoption Profile Disclosure of Information Form and may include attached reports.
 - e. Any assessments/reassessments created after the granting of the TPR.
 - f. All child specific reports/evaluations with any identifiable family information redacted.
 - g. All child specific medical/dental information and reports with any identifiable family information redacted.
 - h. All legal reports from the time the TPR was granted. A copy of the decree terminating parental rights should be included with the parents names redacted as well as the last names of any siblings listed on the decree; however, the TPR summary should not be included.
 - i. A copy of the Post Adoption Privileges Agreement
 - j. The child's original birth certificate should be incorporated in the biological mother's record at the time of adoption.
 - k. Any child specific forms or correspondence starting from the date that the TPR was granted, including a signed copy of the adoption subsidy, if applicable.
 - l. Any Probation or Rhode Island Training School records should be included in a separate section.
5. The adoption record should be reviewed by the supervisor and forwarded to the Records Center.